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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,356

05/18/2005

Peter Holzmann

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7056

33369 7590 03/12/2007  
FASTH LAW OFFICES (ROLF FASTH)  
26 PINECREST PLAZA, SUITE 2  
SOUTHERN PINES, NC 28387-4301

EXAMINER

LU, SHIRLEY

ART UNIT

PAPER NUMBER

2612

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/535,356	HOLZMANN, PETER	
	Examiner	Art Unit	
	Shirley Lu	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____                                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

***Claim Rejections - 35 USC § 112***

Claim 9 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The limitation "the entire or parts of the distance is given one or more, against the first die directed," is unclear. See rejection below for the office's interpretation of the claim.

***Claim Rejections - 35 U.S.C. § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**2. Claim(s) 1-7, 12-14 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita (2003009169) in view of Ledford (6764116) and in further view of Sugiyama (5992874).**

As to claim 1,

Yamashita discloses:

Art Unit: 2612

A device for warning for physical contact of vehicles and protection of the vehicle in case of such a contact, comprising:

a detecting unit in operative engagement with a warning unit; the detecting unit being attachable to a surface and adapted to detect a contact of a vehicle with the detecting unit, the detecting unit having a force absorbing plate, and a contact device that cooperates with the force absorbing plate, a first side of the force absorbing plate being attachable to the surface, the force absorbing plate having an elasticity adopted to absorb forces that occur during the contact, the elasticity of the detecting unit being adapted to absorb forces that occur by the contact, (fig. 1-3; [0063-0075]).

Yamashita does not expressly teach the warning unit is adapted to warn a driver of the vehicle at the detection, the contact device being adapted to close an electric circuit at the contact, the warning unit being adapted to provide a visual signal and/or an acoustic signal when the electric circuit is closed, the warning unit being adapted to provide a warning signal at such a contact so that a driver of the vehicle becomes aware of the warning signal before the forces have a damaging influence on the vehicle.

Ledford discloses the warning unit is adapted to warn a driver of the vehicle at the detection, the warning unit being adapted to provide a warning signal at such a contact so that a driver of the vehicle becomes aware of the warning signal before the forces have a damaging influence on the vehicle, the warning unit being adapted to provide a

Art Unit: 2612

visual signal and/or an acoustic signal when the electric circuit is closed ([1, 55-64]; [6, 12-24]; [5, 62] to [6, 4]).

It would have been obvious to one of ordinary skill in the art to modify Yamashita to teach the warning unit is adapted to warn a driver of the vehicle at the detection, the warning unit being adapted to provide a visual signal and/or an acoustic signal, the warning unit being adapted to provide a warning signal at such a contact so that a driver of the vehicle becomes aware of the warning signal before the forces have a damaging influence on the vehicle, so as to warn a driver that contact with an object has been made and thus, allow the driver to stop the vehicle and prevent the occurrence of damage.

Yamashita in view of Ledford does not expressly teach the contact device being adapted to close an electric circuit at the contact

Sugiyama discloses the contact device being adapted to close an electric circuit at the contact ([9, 25-53]).

It would have been obvious to one of ordinary skill in the art to modify Yamashita in view of Ledford to teach the contact device being adapted to close an electric circuit at the contact, so as to cater to design choices and provide a method of signaling that two conductive films brought into contact with each other.

As to claim 2,

Art Unit: 2612

Yamashita discloses:

the contact device has an external contact surface, an internal contact surface, and an elastic material is positioned between the contact surfaces (fig. 2, 3; [0065-0075]),

Sugiyama discloses the elastic material is electrically isolating at normal pressure and becomes electrically conductive at external pressure ([9, 25-53]).

As to claim 3,

Yamashita discloses:

the contact device has an external contact surface, an internal contact surface, and an elastic or springy distance device, and that the distance device is adapted to, at a normal pressure, keep a distance between the external and internal contact surfaces, and that the distance device is adapted to be compressed when the distance device is subject do external force (fig. 2, 3; [0065-0075]),

Sugiyama discloses an electrical contact occurs between the external and internal contact surfaces ([9, 25-53]).

As to claim 4,

Yamashita discloses

the external or internal contact surfaces are given a contact body adapted to give the contact device elastic or springy properties also in a situation when the contact device is closed (fig. 2, 3; [0065-0075]).

Art Unit: 2612

As to claim 5,

Yamashita discloses

the contact body is made of an elastic or springy material, the contact surface is situated at an end of the contact body (fig. 2, 3; [0065-0075]).

As to claim 6,

Yamashita discloses

the detecting unit is made of a number of cooperating contact devices (fig. 1-3, 10; [0063-0075]).

As to claim 7,

Yamashita discloses

the contact devices are connected to a common electrical circuit (fig. 1-3, 10; [0063-0075]).

As to claim 9,

Ledford discloses:

the plate and the entire or parts of the distance is given one or more, against the first side directed, notches, through which the detecting unit is adapted to be bent around and attached to non-flat surfaces (figs. 6-17; [4, 53] to [5, 55]).

As to claim 11,

Art Unit: 2612

Ledford discloses:

the plate is made in the shape of an angle through which the detecting unit is adapted to be attached (figs. 6-17; [4, 53] to [5, 55]).

As to claim 12,

Ledford discloses:

the warning unit stands in electrical connection with the detecting unit ([5, 61] to [6, 23]).

As to claim 13,

Ledford discloses:

the warning unit stands in wireless connection with the detecting unit ([5, 61] to [6, 23])..

As to claim 14,

Ledford discloses:

the warning unit is placed inside a vehicle ([5, 61] to [6, 23])..

**3. Claim(s) 8, 15 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita (2003009169) in view of Ledford (6764116) and in further view of Sugiyama (5992874), and in further view of Paranjpe (20020030591).**

As to claim 8,

Yamashita discloses



Art Unit: 2612

the contact devices are placed in a pattern, the contact devices are connected to different electrical circuits in a way that makes detection possible of which one of the contact devices that closes an electrical circuit (fig. 1-3, 10; [0063-0075]; [0121]), and Yamashita in view of Ledford and in further view of Sugiyama does not expressly teach Paranjpe discloses that the warning unit is adapted to display on which place on the detecting unit a physical contact occurs ([0055]).

It would have been obvious to one of ordinary skill in the art to modify Yamashita in view of Ledford and in further view of Sugiyama to teach that the warning unit is adapted to display on which place on the detecting unit a physical contact occurs, as taught by Paranjpe, so as to display the identity of the unit that prompted the warning.

As to claim 15,

Yamashita in view of Ledford and in further view of Sugiyama does not expressly teach the electrical circuit is powered by low power current.

Paranjpe discloses the electrical circuit is powered by low power current ([0035]).

It would have been obvious to one of ordinary skill in the art to modify Yamashita in view of Ledford and in further view of Sugiyama to teach the electrical circuit is powered by low power current, so as to achieve power conservation.

Art Unit: 2612

**4. Claim(s) 8, 15 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamashita (2003009169) in view of Ledford (6764116) and in further view of Sugiyama (5992874), and in further view of Farrisf (4357041).**

As to claim 10,

Yamashita in view of Ledford and in further view of Sugiyama does not expressly teach the plate is made bendable so that the detecting unit is attachable to non-plane surfaces.

Farris discloses a plate is made bendable so that the detecting unit is attachable to non-plane surfaces (fig. 1, 4; [3, 14] to [4, 25]).

It would have been obvious to one of ordinary skill in the art to modify Yamashita in view of Ledford and in further view of Sugiyama to teach the plate is made bendable so that the detecting unit is attachable to non-plane surfaces, as a design choice to and to adapt the detecting unit to monitor and protect the vehicle from non-plane surfaces.

### **Conclusion**

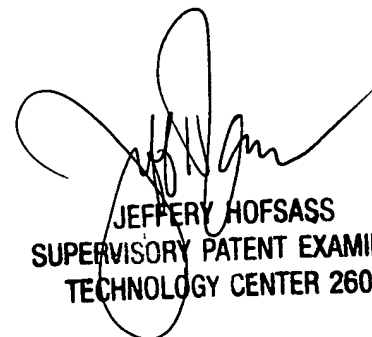
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Lu whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeff Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Art Unit: 2612

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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